

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

345B0507

## HOUSE AGRICULTURE & NATURAL RESOURCES COMMITTEE ENGROSSED NO.

### HB1217 - 2/6/98

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.**

Introduced by: Representatives Koskan and Schrempp and Senators Benson and Vitter

1 FOR AN ACT ENTITLED, An Act to revise certain aerial hunting provisions.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 41-8-39.1 be amended to read as follows:

4 41-8-39.1. Notwithstanding the provisions of § 41-8-39, any person occupying land as an  
5 owner or lessee, ~~who represents to the department of game, fish and parks that threatened or~~  
6 ~~actual loss of domestic animals or livestock has occurred, may, after receiving an aerial hunting~~  
7 ~~permit as permitted under PL 92-159, as amended through January 1, 1989, or § 40-36-9, kill~~  
8 ~~or attempt to kill coyotes or foxes from his aircraft, on such occupied land and up to two miles~~  
9 ~~onto the land of his immediate adjoining neighbor if such person has the consent of the occupier~~  
10 ~~of such adjoining land, or as otherwise authorized by a department representative. The person~~  
11 ~~may contract with another party to kill coyotes or foxes from a licensed aircraft as authorized~~  
12 ~~by a department representative on lands so authorized~~ may make application to the Department  
13 of Game, Fish and Parks to obtain a permit to kill or attempt to kill coyotes or foxes from an  
14 aircraft to protect or aid in the protection of the owner's or lessee's land, livestock, domesticated

1 animals, or crops, water, wildlife, or human life as permitted under PL 92-159, as amended to  
2 January 1, 1989, or § 40-36-9. A permit may not be issued for the purpose of sport hunting. The  
3 permit authorizes the owner or lessee or a person under contract with the owner or lessee to kill  
4 or attempt to kill coyotes or foxes from the aircraft on the occupied land and up to two miles  
5 onto the land of the immediate adjoining neighbor if the owner or lessee has first obtained the  
6 written consent of the owner or lessee of the adjoining land. The Game, Fish and Parks  
7 Commission shall promulgate rules pursuant to chapter 1-26 to establish the criteria and  
8 eligibility of the permittee and conditions under which the permit is granted, number and species  
9 of animals to be hunted and killed, location where permitted, reports required of the permittee,  
10 and other rules to implement the provisions of this section.

1    **BILL HISTORY**

2    1/21/98 First read in House and referred to Agriculture and Natural Resources. H.J. 154

3    2/5/98 Scheduled for Committee hearing on this date.

4    2/5/98 Scheduled for Committee hearing on this date.

5    2/5/98 Scheduled for Committee hearing on this date.

6    2/5/98 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 12, NAYS 1.

7    H.J. 396